IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5551 OF 2004

Kuldeep Laxman Gavai ... Applicant

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The State of Maharashtra ... Respondent

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Mr. V.V. Gangurde, for the Applicants.

Mr. A.S. Gadkari, A.P.P., for the Respondent.

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CORAM : A.M. KHANWILKAR,J.

13th December 2004

P.C.:

. Heard Counsel for the parties. Learned A.P.P. on instructions fairly states that the case of the Applicant herein is similar to the allegation against the co-accused, who are already released on bail by this Court. He further submits that, however, now the trial is likely to commence on and from 15th December 2004. Even so, to my mind, if the parity can be invoked by the present Applicant, the fact that the trial is to commence soon cannot be a ground

for declining to release the Applicant on bail. On the other hand, on the ground of parity, the Applicant deserves to be released on bail on the following terms.

(a) The Applicant is released on bail in connection with CR.No. I-180/2003 registered with Nasik Road Police Station, on executing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand only) with two local sureties in the like amount.

(b) The Applicnt shall not enter the jurisdiction of Nasik Road Police Station except for attending Court proceedings.

(c) The Applicant shall not tamper with the prosecution evidence or influence the prosecution witnesses in any manner whatsoever. If any such complaint is received, that can be a ground for cancellation of bail.

(d) The Applicant shall report to the nearest Police Station where he intends

to reside once in fortnight on Saturday between 11 a.m. to 2 p.m. and also send intimation to the Registrar of the Sessions Court, Nasik, about his place of residence within one week from the date of release.

(e) The Applicant shall co-operate the trial Court for early disposal of the case. If the trial Court is of the opinion that the Applicant is responsible for delay in disposal of the case, that fact be recorded in roznama and can be a ground for cancellation of bail.

(f) The trial Court is further directed to expedite the hearing of the case. The Sessions Judge, Nasik, to assign the case to Fast Track Court to ensure early disposal of the case, preferably within 9 months from the date of receipt of writ of this Court.

. Application disposed of on the above terms.

. Parties to act on the authenticated copy of this order.